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Volunteer lawyers ride to the 11th PD's rescue



ELEVENTH CIRCUIT PUBLIC DEFENDER Carlos Martinez, at the podium, is surrounded by leaders of the Miami legal community who have helped round up volunteers willing to take on representation of public defender cases pro bono.

By Jan Pudlow

Senior Editor

"A conveyor belt of injustice" is how 11th Circuit Public Defender Carlos Martinez describes the current overloaded criminal justice system.

"Budget cuts have rendered the right to an attorney virtually meaningless."

Over the last two years, his budget has been cut by 11 percent. In the last four years, appointments to noncapital felony cases rose by nearly 30 percent. And attorneys are handling an average of 500 felonies a year.

Last year, Stan Blake, administrative law judge for the criminal division, heard testimony and agreed to stop appointing new cases to the public defender until the backlog could be relieved. But his ruling has been appealed. While everyone waits for the ruling from the Third District Court of Appeal, Martinez said, "I cannot sit and do nothing to help our clients."

Help has arrived in a big way.

His office has launched a pro bono initiative — called Ensuring Equal Justice — with major law firms and voluntary bars pitching in with willing volunteer lawyers.

Rick Freedman, president of the Florida Association of Criminal Defense Lawyers-Miami, has enlisted more than 50 experienced criminal defense attorneys — with combined legal experience of nearly 1,200 years — to accept felony cases from the public defender's office.

"The FACDL-Miami Chapter is committed to quality representation for all defendants and that includes those who may be indigent," Freedman said. "Every defendant facing criminal charges deserves the best possible defense — not just the ones with the most money. Our pro bono initiative is a positive step in that direction."

On April 22, Martinez thanked FACDL lawyers for helping "breathe life into the promise of equal justice for all" — and said they will "help us reduce the constitutional violations that are currently occurring."

"The hard work of these civic-minded volunteers will not solve the significant financial problems plaguing our criminal justice system," Martinez said. "Their generous gesture is but a small band-aid that will never be sufficient to fill the void created by drastic budget cuts. There can be no equal justice in our criminal justice system unless each client is afforded a lawyer blessed with sufficient resources to fulfill the moral and ethical obligations to provide quality representation. However, given these difficult economic times, acceptance of their volunteer help is one valuable step among many that we are taking to help the indigent in Miami-Dade, and to improve the quality of our court system."

Martinez said his office had been conducting a pilot project for several months, where some law firms agreed to take some misdemeanor cases on a pro bono basis.

On March 20, Martinez launched the pro bono initiative more broadly, and met with several law firms and many voluntary bar associations about making a commitment to pro bono representation and other volunteer work. Pro bono attorneys commit to completing mandatory training, and agree to provide 50 hours of indigent client representation.

Beyond pro bono representation of clients in criminal cases, Martinez said he is working on finding pro bono volunteers for "collateral issues" — such as juveniles who have school-related discipline issues, as well as finding nonlawyer volunteers to help with translating documents and preparing educational materials.

In what he called a "Peace Corps approach," Martinez said he is trying to get grants to hire a pro bono coordinator who would "find pro bono opportunities and work this into an inter-generational project with retired teachers, probation officers, and all sorts of people who would give volunteer hours to help our clients become integrated into the community."

Currently, Martinez said law firms who have signed on to offer pro bono help are Hogan & Hartson; Baker & McKenzie; Greenberg Traurig; Hughes, Hubbard and Reed; Jorden Burt; Shook, Hardy & Bacon; and Hunton & Williams.

Hogan & Hartson is offering pro bono help totaling more than 1,000 hours with the excessive caseload case, now pending a ruling after March 30 oral arguments at the Third DCA.

Angela Vigil, director of pro bono and community service for Baker & McKenzie, said the "Miami pro bono roundtable" started gradually in late 2007 by inviting folks to come for breakfast and talk about best practices in pro bono work.

On February 26, 2009, Vigil said, "We convened the first pro bono strategy session. It was amazing! We had 50 people there from every public service agency you can name: lawyers for children, law school clinics, courts. At least one judge was there and then all the law firms. The great thing was there was no ownership. It has emerged into an interesting discussion. And it's such a great example of community activity. I'm going to write to Obama about it!"

Associate Editor Kim MacQueen contributed to this report.

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